

Fullenkamp, Joseph

From: Fullenkamp, Joseph
Sent: Tuesday, July 09, 2013 7:21 PM
To: Doug Small
Cc: Small Douglas; Watson Patti; David Fialkow
Subject: Re: NECC

Thanks, Doug. I didn't expect to hear from you until you got back.

My deadline for filing is Wednesday, which creates a timing problem. We still don't understand why we, as a non-party, should produce medical information for patients who are non-parties, regardless of whether they will be secure. If there is any potential relevance, the identity of the patient isn't necessary.

Have you had a chance to think about the other objections or any of our proposals?

Thank you.

Joe Fullenkamp.

Sent from my iPhone

On Jul 9, 2013, at 7:11 PM, "Doug Small" <small.doug@gmail.com> wrote:

Attached are materials that should be helpful in addressing concerns regarding the Rust/Omni HIPAA-compliant data collection of protected health information.

Attachment 1 is plaintiffs' corrected notice of vendor ID [Dkt. 237]. The Rust/Omni main contact for the repository is:

Eric Schwarz, Vice President
Rust Consulting/Omni Bankruptcy
5955 Desoto Avenue, Suite 100
Woodland Hills, CA 91367
(818) 906-8300, Ext. 113
eric@omnimgt.com

Attachment 2 is the affidavit of Brian Osborne of Rust/Omni in support of plaintiffs' vendor ID notice [Dkt. 224-1]. Page 2 contains a list of eight cases where Rust successfully used a similar HIPAA-compliant document collection protocol and repository.

Attachment 3 is plaintiffs' memo in support of our proposed qualified protective order [Dkt. 181]. Page 5 cites six cases in the District of Massachusetts that have entered similar orders addressing the production of protected health information. Page 6 cites seven cases outside of the district concerning same.

Attachment 4 is Judge Saylor's order on subpoenas and qualified protective order regarding health information [Dkt. 192]. Relevant paragraphs are 2-7.

Rust will be creating a secure, case-specific, and HIPAA-compliant repository that will function similar to an FTP upload site but with nuanced security features. Some of these features include their issuance of clinic-specific IDs via a secure registration process, a password-email verification at each occurrence of login, and a preset virtual data room where only that clinic's documents may be uploaded and viewed by the clinic-user. A detailed description of the upload protocol will be circulated once the repository is created. In the event that a clinic wishes to produce hard copies, they may be mailed to the address above for scanning and upload to the repository. Rust will maintain hard copies in a secure file room after upload. Again, this repository will be in keeping with Rust's creation of HIPAA-compliant repositories in eight other cases. Rust is in the process of creating the actual repository for this case and creation documents will be available shortly.

Doug Small

Sent from my iPad